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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION ONE

S.S.,

Petitioner,

v.

THE SUPERIOR COURT OF DEL NORTE
COUNTY,

Petitioner;

DEL NORTE DEPARTMENT OF HEALTH
AND HUMAN SERVICES et al.

Real Parties in Interest.

A157023

(Del Norte County
Super. Ct. No. JVSQ 19-6010)

In this juvenile writ proceeding, S.S. (father) seeks extraordinary relief from the juvenile court order terminating reunification services and setting a permanency planning hearing pursuant to section 366.26 of the Welfare and Institutions Code with respect to his two young children, J.S. (born in 2017) and D.S. (born in 2019). While a writ petition in this context must be “liberally construed,” it is still required to include a summary of the significant facts and identify contested legal points with citation to legal authority and argument. (California Rules of Court, rules 8.452(a) & 8.452(b)¹; see *Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583 (*Glen C.*) [the writ petition “must, at a minimum, adequately inform the court of the issues presented, point out the factual support for them

¹ All rule references are to the California Rules of Court.

in the record, and offer argument and authorities that will assist the court in resolving the contested issues”].)

None of these necessary elements were provided in this case. Rather, father’s attorney simply indicated in the petitions that the juvenile court’s orders setting permanency planning hearings for the minors were not erroneous given father’s absence and failure to engage in services for a number of months prior to the setting hearing. Counsel did not request we perform a *Wende*-type review. (See *People v. Wende* (1979) 25 Cal.3d 436; see also *Anders v. California* (1967) 386 U.S. 738.) Nor could he. (*Glen C.*, *supra*, 78 Cal.App.4th at p. 580 [no constitutional right to *Anders/Wende* review in juvenile writ proceedings]; see *In re Phoenix H.* (2009) 47 Cal.4th 835, 843–844 (*Phoenix H.*); *In re Sade C.* (1996) 13 Cal.4th 952, 981–982, 994.) Under the circumstances, the petitions should not have been filed. (*Glen C.*, at p. 582 [counsel “are not required to file a petition which has no merit”]; *Cresse S. v. Superior Court* (1996) 50 Cal.App.4th 947, 956; see Bus. & Prof. Code, § 6068, subd. (c) [counsel should maintain only those actions or proceedings “as appear to him or her legal or just”].) Since the petitions are procedurally deficient, we will summarily deny them.² (Rule 8.452(h)(1) [summary denial permissible in “exceptional circumstances”]; see *Joyce G. v. Superior Court* (1995) 38 Cal.App.4th 1501.)

DISPOSITION

The order to show cause previously issued in this matter is withdrawn as improvidently granted and the petitions are summarily denied.

² This court, on June 19, 2019, sent a letter to father, providing copies of the writ petitions and allowing him a period of time to submit his own response. (See *Phoenix H.*, *supra*, 47 Cal.4th at pp. 843–844.) Nothing was received.

Sanchez, J.

WE CONCUR:

Margulies, Acting P. J.

Banke, J.